

### **REMARKS/ARGUMENTS**

The Applicants originally submitted Claims 1-9 in the application. In the previous response filed on June 29, 2007, the Applicants amended Claims 1, 4, 7, 8, and 11, canceled Claims 6 and 9 without prejudice or disclaimer and added Claims 10-11. In the response filed on November 26, 2007, the Applicants amended Claims 1 and 11 and added Claims 12-13. Per the conversation with the Examiner on January 22, 2008, the amendment filed on November 26, 2007, was not entered. As such, the present preliminary amendment is based on the amendment filed on June 29, 2007.

In the present preliminary amendment, the Applicants amend Claims 1, 8 and 10-12, add new Claims 14-15 and cancel Claim 7 without prejudice or disclaimer. Accordingly, Claims 1-5, 8, 10 and 11-15 are currently pending in the application. Additionally, the Applicants amend the specification in response to the Examiner's objection.

Previously, the Examiner indicated that independent Claim 1 would be allowable if rewritten to overcome the 35 C.F.R. § 1.112, second paragraph rejection and that Claims 2-5, 7-8 and 11 would be allowable if rewritten to overcome the 35 C.F.R. § 1.112, second paragraph rejection and include all of the limitations of the intervening base claims. (*See Examiner's Final Rejection*, page 5.) The Applicants present the present amendment to clearly point out the claimed invention to overcome the 112 rejection and place all of the pending claims in condition for allowance.

#### **I. Formal Matters and Objections**

The Examiner objected to the specification for containing informalities. In response, the Applicants have amended paragraph 30 of the specification to correct this inadvertent error.

Accordingly, the Applicants respectfully request the Examiner to withdraw the objection of the specification.

## **II. Rejection of Claims 1 and 11 under 35 U.S.C. §112**

The Examiner rejected Claims 1 and 11 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, the Applicants have amended Claims 1 and 11 to more clearly point out the invention. Claims 1 and 11 have been amended to specify that M and N represent two constants that are preset. Thus, M and N are selected off-line and are selected to produce a desired behavior. Additionally, Claims 1 and 11 have been amended to specify that Max\_dB\_DN is also a pre-determined constant and is selected to represent a maximum peak value. The maximum peak value is in the decibel scale and is pre-selected to optimize the performance of the inverse filtering operation. Support for the amendment can be found, for example, in paragraphs 58-66, 83-84 and Figure 6 of the original specification that discusses spectral inverse filtering using the envelope determined by a well-chosen spectrum maxima. Accordingly, the Applicants respectfully request the Examiner to withdraw the §112 rejection with respect to Claims 1 and 11 and allow issuance thereof.

## **III. Rejection of Claim 10 under 35 U.S.C. §103**

The Examiner rejected Claim 10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0001853 to Mauro, *et al.*, in view of U.S. Patent No. 5,822,732 to Tasaki. The Applicants respectfully disagree in view of amended Claim 10 which now includes limitations from Claim 7 that the Examiner has indicated are allowable. Accordingly, the

Applicants respectfully request the Examiner withdraw the rejection of Claim 10 and allow issuance thereof.

Additionally, new independent Claim 15 includes limitations from Claim 8 that the Examiner indicated is allowable. As such, the Applicants respectfully assert that Claim 15 is also in condition for allowance.

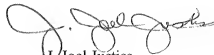
#### **IV. Conclusion**

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-5, 7, 8, and 10-15.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read "J. Joel Justiss", written over a horizontal line.

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